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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
09/318,353	05/25/1999	CHARLES L. CASAGRANDE	38916/14140	1317
1688	7590	10/18/2004	EXAMINER	
POLSTER, LIEDER, WOODRUFF & LUCCHESI			HENDERSON, MARK T	
12412 POWERSCOURT DRIVE SUITE 200			ART UNIT	PAPER NUMBER
ST. LOUIS, MO 63131-3615			3722	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/318,353

Applicant(s)

CASAGRANDE, CHARLES L.

Examiner

Mark T Henderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-16, 19, 20, 23, 26-28, 30 and 32-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-16, 19, 20, 23, 26-28, 41-43 and 45 is/are allowed.
- 6) ☒ Claim(s) 30 and 32-34 is/are rejected.
- 7) ☒ Claim(s) 35-40, 44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Faxing of Responses to Office Actions

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXING of responses to Office Actions directly into the Group at (703)305-3579. This practice may be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

1. Claims 1-12, 17, 18, 21, 22, 24, 25, 29 and 31 have been canceled. Claim 33 has been amended for further examination.

Response to Amendment

2. The examiner has reconsidered the allowable subject matter stated in the last office action, therefore, the finality of that action is withdrawn and a new rejection has been given.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 30 and 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaw (5,512,343).

Shaw discloses in Fig. 1-5, a form comprising: a continuous patch layer (7) made of transparent flexible material (polyolefin film) having a peripheral edges (shown in Fig. 2) extending around the patch layer (7), top surfaces (11), and bottom surface (13); an adhesive layer (27) having opposite top surface (27A) and bottom surface (27B) and a peripheral edge (27C) extending around the adhesive layer (27), wherein the adhesive layer top surface is secured (not directly, however) to the patch layer bottom surface (13) and wherein both edges of the patch and adhesive layer coincide; a form layer (3) having a opposite top surfaces (3A) and bottom surfaces (3B), a peripheral edge (as shown in Fig. 1) extending around the form layer, the form layer peripheral edge being larger than the patch layer peripheral edge (seen in Fig. 1); the form layer top surface (3A) being removably attached to the adhesive layer bottom surface (27B) whereby the patch layer (7) is removably attached to the form layer top surface (3A, as shown in

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Fig. 5) in a position where a portion (as seen in Fig. 2) is exposed outside and extends around the patch layer peripheral edge, wherein the exposed portion outside the patch layer peripheral edge being printable (Col. 5, lines 14-18, wherein the entire label assembly can be printed upon); at least one die cut (37) through the top and bottom surfaces the periphery of the form layer inwardly space form peripheral edges of the adhesive layer and patch layer (as seen in Fig. 5) defining at least one form layer portion (33); and wherein the adhesive layer (27) has a greater affinity for the bottom surface of the patch layer (7) than the top surface of the form layer, whereby the patch layer and adhesive layer (27) can be removed from the form layer top surface (3A) with the one form layer portion (33) attached to the adhesive layer bottom surface to form a self-adhesive label (as seen in Fig. 6).

Allowable Subject Matter

4. Claims 35-40 and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 13-16, 19, 20, 23, 26-28, 41-43 and 45 are allowed.

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6. The following is a statement of reasons for the indication of allowable subject matter: No prior art of record discloses a form with an integrated card comprising a form layer, a patch layer, a die cut through the top and bottom surfaces of the form layer to define a form layer portion, a layer of repositionable adhesive, wherein the patch layer, adhesive layer, and form layer portion together comprise a fold-over card intermediate; and a second die cut in the form layer defining a second form layer portion, wherein the second portion is disposed beneath the second half of the patch layer, such that the second form layer portion is secured to the bottom surface of the second half of the patch layer by the adhesive layer and becomes part of the fold-over card intermediate; and including all of the other limitations of the independent claim.

Response to Arguments

7. Applicant's arguments with respect to claims 13-16, 19, 20, 23, 26-28, 30, 32-45 have been considered but are moot in view of the new ground(s) of rejection. Shaw is now relied upon for disclosing a form having a transparent patch layer, adhesive layer, a form layer and a form layer portion, wherein the form layer has an exposed portion outside the peripheral edge of the patch layer, wherein the exposed portion is printable.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (703)305-0189. The examiner can be reached on Monday - Friday from 7:30 AM to 3:45 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, A. L. Wellington, can be reached on (703) 308-2159. The fax number for TC 3700 is (703)305-3579. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 3700 receptionist whose telephone number is (703)308-1148.



MTH

October 15, 2004



A. L. WELLINGTON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700